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STEVEN W. SUFLAS, ESQUIRE  
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Attorneys for Defendants D.D.S. Painting and Carpentry, Inc. and Robert Sottile

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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|------------------------------------|---|--------------------------|
| RUBEN AGUILAR, EUGENIO             | : |                          |
| AGUILAR, SAUL GARCIA , LUCAS       | : |                          |
| GARCIA, and EDUARDO SANCHEZ,       | : |                          |
|                                    | : |                          |
| Plaintiffs,                        | : |                          |
|                                    | : |                          |
| v.                                 | : | Civil Action No.: _____  |
|                                    | : |                          |
| D.D.S. PAINTING AND CARPENTRY,     | : | <b>NOTICE OF REMOVAL</b> |
| INC., CUMHUR AYDIN, ROBERT         | : |                          |
| SOTILE, and EMPIRE PAINTING, INC., | : |                          |
|                                    | : |                          |
| Defendants.                        | : |                          |
|                                    | : |                          |

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TO: CHIEF JUDGE AND JUDGES OF THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

ON NOTICE TO:

Keith G. Talbot, Senior Attorney  
Legal Services of New Jersey, Inc., Farmworker Project  
71 East Commerce Street, 3<sup>rd</sup> Floor  
Bridgeton, New Jersey 08302  
Attorney for Plaintiffs

Clerk, Law Division  
Superior Court of New Jersey  
Cumberland County Courthouse  
P.O. Box 10  
Bridgeton, New Jersey 08302

Theodore Fetter, Acting Clerk  
Superior Court of New Jersey  
Hughes Justice Complex  
CN 971  
Trenton, New Jersey 08625

PLEASE TAKE NOTICE that the counsel for Defendants D.D.S. Painting and Carpentry, Inc. and Robert Sottile (incorrectly denominated in the Complaint as "Robert Sotile") hereby remove this action from the Superior Court of New Jersey, Law Division, Cumberland County, to the United States District Court, District of New Jersey, Camden Vicinage, pursuant to 28 U.S.C. §§ 1441 and 1446 and based upon the following:

1. Plaintiffs filed a Complaint in the Superior Court of New Jersey, Law Division, Cumberland County under Docket No.: CUM-L-957-06 (the "State Court Proceeding"), on or about September 11, 2006. A copy of Plaintiffs' Complaint is attached hereto as Exhibit A.

2. Defendants D.D.S. Painting and Carpentry, Inc. and Robert Sottile were served with a copy of Plaintiffs' Summons and Complaint on October 4, 2006.

3. Based on the allegations in the Complaint, Plaintiffs are alleging violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*, amongst other claims. Thus, this Court has federal question subject matter jurisdiction over Plaintiffs' FLSA claims pursuant to 28 U.S.C. § 1331, as it arises under the laws of the United States. Accordingly, this is a civil action which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441.

4. In the Complaint, Plaintiffs also allege Defendants violated the New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a *et seq.*, and New Jersey common law for breach of an alleged employment contract to pay certain wages.

5. Plaintiffs' New Jersey Wage and Hour Law claims and New Jersey common law claims are based upon the same nucleus of operative facts as alleged in support of their FLSA claims. Thus, Plaintiffs' New Jersey Wage and Hour Law claims and New Jersey common law claims form part of the same case or controversy over which the Court has original jurisdiction.

6. This Court should exercise supplemental jurisdiction over the remaining claims of the above-described action pursuant to 28 U.S.C. § 1337(a) as they all derive from a common nucleus of fact and it would be in the best interest of judicial economy and fairness.

7. The State Court Proceeding, therefore, is properly removed pursuant to 28 U.S.C. § 1441(a).

8. This Notice is filed within the time prescribed by 28 U.S.C. § 1446(b). It has been filed within 30 days from the receipt of service of the initial pleading setting forth the claims for relief upon which this action is based by a defendant having the right to file a Notice of Removal.

9. Defendants D.D.S. Painting and Carpentry and Robert Sottile consent to this removal. A declaration from Cumhur Aydin, an individual Defendant, and owner of Empire Painting, Inc., another Defendant, also consenting to removal is attached hereto as Exhibit B.

10. Copies of all process, pleadings, and orders validly served upon the Defendants D.D.S Painting and Carpentry and Robert Sottile in the State Court Proceeding are attached hereto as Exhibit A.

11. Written notice of the filing of this Notice of Removal is being forwarded to Plaintiffs' counsel, as well as the Clerk of the Court for the Superior Court of New Jersey, Law Division, Cumberland County, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendants D.D.S. Painting and Carpentry and Robert Sottile hereby remove the State Court Proceeding to the United States District Court for the District of New Jersey, Camden Vicinage.



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Dated: November 3, 2006

Attorneys for Defendants  
D.D.S Painting and Carpentry, Inc. and  
Robert Sottile

**CERTIFICATE OF SERVICE**

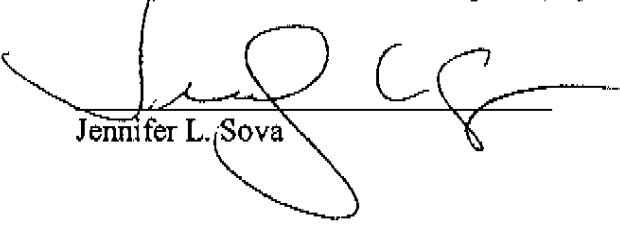
I, Jennifer L. Sova, hereby certify that true and correct copies of Defendants' D.D.S. Painting and Carpentry, Inc. and Robert Sottile's Notice of Removal and Application for a Clerk's Extension have been filed electronically and are available for viewing and downloading from the ECF system on November 3, 2006. I further certify that I caused a true and correct copy of the same to be served upon the following on November 3, 2006 upon the following:

Keith G. Talbot, Senior Attorney  
Legal Services of New Jersey, Inc., Farmworker Project  
71 East Commerce Street, 3<sup>rd</sup> Floor  
Bridgeton, New Jersey 08302  
Attorney for Plaintiffs, via Federal Express

Clerk, Law Division  
Superior Court of New Jersey  
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CN 971  
Trenton, New Jersey 08625, via Federal Express

Cumhur Aydin  
3001 Route 130 South  
Apt. 36E  
Delran, NJ 08075 via first class, regular mail, postage prepaid



Jennifer L. Sova

Dated: November 3, 2006